

**COOPER ERVING & SAVAGE LLP**  
ATTORNEYS AND COUNSELLORS AT LAW

TERRANCE P. CHRISTENSON  
MICHAEL A. KORNSTEIN  
SUSAN CARROLL PICOTTE  
PHILLIP G. STECK  
KELLY L. MALLOY  
SCOTT P. OLSON  
DAVID C. ROWLEY  
BRIAN W. MATULA\*

KIMBERLY G. FINNIGAN†  
DENNIS W. HABEL  
JESSICA R. VIGARS

\*ALSO ADMITTED IN VERMONT  
†ALSO ADMITTED IN NEW JERSEY  
‡ALSO ADMITTED IN MASSACHUSETTS

*Founded 1813*

39 NORTH PEARL STREET  
ALBANY, NEW YORK 12207-2797  
(518) 449-3900  
FACSIMILE (518) 432-3111

CLIFTON PARK OFFICE:  
1520 CRESCENT ROAD - SUITE 300  
CLIFTON PARK, NEW YORK 12065

REPLY TO ALBANY OFFICE

E-MAIL: PSTECK@COOPERERVING.COM  
DIRECT DIAL: (518) 432-3178

JAMES FENIMORE COOPER  
(1888-1938)  
WM. VAN RENSSELAER ERVING  
(1925-1940)  
B. JERMAIN SAVAGE  
(1910-1952)

JAMES G. BRENNAN  
SENIOR COUNSEL

± CAROLYN SNYDER LEMMON  
OF COUNSEL

August 1, 2013

Hon. Mae A. D'Agostino  
U.S. District Judge  
James T. Foley U.S. Courthouse  
445 Broadway  
Albany, NY 12207

Re: Hickey v. Myers et al.  
Docket No. 09-1307  
Our File No. 12626.000

Dear Judge D'Agostino:

Plaintiff objects to defendants proposed attempt to recover \$961.60 for the cost of transporting defendant Zingale to trial. I am unaware of any requirement that the plaintiff pay a party's own cost of travelling to trial. Furthermore, when this defendant was sued, he lived in the NDNY and not in California. Plaintiff is not responsible for the fact that he subsequently moved back to California after resigning as President of the College.

Plaintiff further objects to the charges for copying in the amount of \$1,162.50 at \$0.25 per page. None of these are actual costs incurred by defendants as there are no bills for copying from an outside copying service.

Very truly yours,

COOPER ERVING & SAVAGE LLP

  
Phillip G. Steck

cc.: Opposing Counsel via ECF and regular email  
Thomas J. Hickey